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Letter dated 9 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

I have the honour to forward to you a copy of the report of the Chairperson of the Commission on the partnership between the African Union and the United Nations on peace and security: towards greater strategic and political coherence (see annex I), as well as the communiqué of the Peace and Security Council of the African Union (see annex II), issued on 9 January 2012 in relation to the report which is attached.

I would be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Baso **Sangqu**
Ambassador and Permanent Representative
of the Republic of South Africa

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Annex I to the letter dated 9 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Report of the Chairperson of the Commission on the partnership between the African Union and the United Nations on peace and security: towards greater strategic and political coherence

I. INTRODUCTION

1. This report is submitted in response to paragraph 31 of decision Assembly/AU/Dec. 338 (XVI) on the Report of the Peace and Security Council (PSC) on its Activities and the State of Peace and Security in Africa, adopted by the 16th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2011. In the decision, the Assembly "*encouraged the Chairperson of the Commission to prepare and submit to the Peace and Security Council a report on the African Union's (AU) strategic vision of the cooperation between the AU and the United Nations (UN) on peace and security matters, as a contribution to the consideration by the Security Council of the next report of the UN Secretary-General on this issue, bearing in mind relevant AU decisions and the need for flexible and creative interpretation of Chapter VIII of the UN Charter*".

2. This request is within the context of presidential statement S/PRST/2010/21 of 22 October 2010 in which the UN Security Council (UNSC) noted the Secretary-General's intention to submit a report which will define the United Nations' Secretariat's strategic vision for UN-AU cooperation in peace and security. At their 5th consultative meeting held in Addis Ababa on 21 May 2011, the PSC and the UNSC affirmed that they were looking forward to the reports that the UN Secretary-General and I intended to submit on our respective strategic visions of the cooperation between the AU and the UN.

3. It is against this backdrop that I outline the Commission's vision on the strategic partnership between the AU and the UN system in the area of peace and security. The report is aimed at refocusing attention on the partnership beyond the support and assistance currently provided by the UN to broader issues of mutual strategic-political interest. To do this, I present the overall context in which the partnership between the AU and the UN is evolving, including the changing nature of the peace and security challenges confronting the continent, as well as the normative and institutional changes that have taken place in the last two decades. More crucially, I reflect on the spirit and intent of Chapter VIII in the context of collective security, especially in an era where regional organizations have become indispensable pillars of multilateralism. Consistent with the UN Charter and the AU Constitutive Act, I outline key principles that should underpin the partnership, and provide practical recommendations on ways of consolidating the relationship at the strategic and operational levels, and other relevant cross-cutting issues.

II. BACKGROUND AND CONTEXT

4. Over the past years, the UN and the AU have recognized the importance of fostering cooperation and collaboration between them. Thus, on 16 November 2006, in Addis Ababa, Kofi Annan, then-UN Secretary-General, and Alpha Oumar Konare, then-Chairperson of the AU Commission, signed a Declaration on *Enhancing UN-AU Cooperation: Framework for the Ten Year Capacity Building Programme for the AU*. The Declaration set out to increase cooperation between the two organizations and to enhance UN system-wide engagement with the AU, its regional and sub-regional organizations and the New Partnership for Africa's Development (NEPAD), to meet the challenges facing the African continent, focusing initially on peace and security, with a particular emphasis on conflict prevention, mediation and good offices, peacekeeping and peace building. Although the Declaration and the Outcome Document from the 2005 World Summit set the stage for the partnership, they fell short of outlining modalities for cooperation on strategic-political issues.

5. At its 8th Ordinary Session held in Addis Ababa from 29 to 30 January 2007, the Assembly of the Union adopted decision Assembly/AU/ Dec.145 (VIII) on the report of the PSC on its Activities and the State of Peace and Security in Africa. In that decision, the Assembly, having stressed that the maintenance of international peace and security is the primary responsibility of the UNSC, called upon the United Nations to examine, within the context of Chapter VIII of the UN Charter, the possibility of funding, through assessed contributions, peacekeeping operations undertaken by the AU or under its authority and with the consent of the United Nations. The Assembly requested Member States, working together with the Commission, to undertake the necessary follow-up in this regard.

6. In pursuance of this decision, South Africa took advantage of its presidency of the Security Council in March 2007 to organize, on the 28th of that month, a debate on the theme: "Relationship between the United Nations and regional organizations, in particular the AU, in the maintenance of international peace and security". In the presidential statement adopted on that occasion (S/PRST/2007/7), the UNSC, having emphasized its primacy in the maintenance of international peace and security, "stress(ed) the importance of supporting and improving in a sustained way the resource base and capacity of the African Union". In this respect, the Security Council "request(ed) the Secretary-General to provide a report, in consultation with the relevant regional organizations, in particular the African Union, on specific proposals on how the United Nations can better support arrangements for further cooperation and coordination with regional organizations on Chapter VIII arrangements, in order to contribute significantly to addressing the common security challenges in the areas of concern and to promote the deepening and broadening of dialogue and cooperation between the Security Council and the Peace and Security Council of the African Union".

7. At its high-level meeting of 16 April 2008, the UNSC adopted resolution 1809 (2008) by which, among other things, it welcomed the Secretary-General's proposal to establish an AU-

UN Panel consisting of distinguished persons to consider in-depth the modalities of how to support peacekeeping efforts undertaken by regional organizations mandated by the UNSC, with a view to enhancing the predictability, sustainability and flexibility of financing of United Nations-mandated peace operations undertaken by the African Union. While its Terms of Reference were technical, the Panel, which was chaired by Romano Prodi, former Prime Minister of Italy, recognized that the issue at hand was rather political, as it touched on the nature and structure of the partnership in the context of Chapter VIII of the UN Charter.

8. The report of the Panel (A/63/666 S/2008/813) emphasized the importance of the partnership between the UN and regional organizations, arguing that the complexity of modern peacekeeping means that no single organization is able to address the challenges involved on its own. The report stressed the need for equitable burden-sharing between the UN and the AU, which is faced with the challenge of responding to crisis even as it is developing the capacities to do so. In this respect, the Panel stressed the need for a shared strategic vision, if the UN and the AU are to exercise their respective advantages: the AU's ability to provide a rapid response and the UN capacity for sustained operation. Such a vision, it was stressed, would also reduce the likelihood of duplication of effort and organizations working at cross purposes.

9. The Panel recommended two new financial mechanisms. The first, based on UN-assessed funding, is designed to support specific AU-led peace operations mandated by the UNSC, on a case-by-case basis. The second mechanism is a voluntary funded multi-donor trust fund, which would focus on comprehensive capacity-building for conflict prevention and resolution as well as institution-building, and which should be designed to attract new as well as existing donors, while fostering African ownership. The Panel recommended that the AU should consider establishing its own system for financial contributions for peacekeeping operations through assessed contributions to gradually augment the AU Peace Fund.

10. At its 178th meeting held on 13 March 2009, the PSC stressed that the report of the Panel marked an important step in the overall efforts to enhance the capacity of the AU to meet the peace and security challenges facing the continent and to mobilize greater support within the larger international community. At the same time, the PSC underlined the need for continued efforts to ensure predictable, sustainable and flexible funding for AU-led peace support operations. Recognizing the importance of a more effective strategic relationship between the AU PSC and the UNSC, to enable both organs to exercise their respective comparative advantages, the PSC expressed support for the proposal for a joint strategic assessment made in the report of the Panel, in order to identify the issues that underpin this mutual relationship and develop a more effective partnership in addressing issues on the joint agendas (PSC/PR/Comm(CLXXVIII)).

11. In a presidential statement issued on 18 March 2009 (S/PRST/2009/3), the UNSC welcomed the efforts of the Panel and noted its report. It requested the Secretary-General to submit a report on practical ways, to provide effective support for the AU, when it undertakes

peacekeeping operations authorized by the UN, that includes a detailed assessment of the recommendations contained in the report of the Panel, in particular those on financing, as well as on the establishment of a joint AU-UN team. The Security Council emphasized the importance of establishing more effective strategic relationship between the UNSC and the PSC, as well as between the UN Secretariat and the AU Commission, and encouraged further joint efforts in this direction, focusing on issues of mutual interest.

12. On 18 September 2009, the Secretary-General submitted to the Security Council the requested report on support to AU peacekeeping operations authorized by the UN (S/2009/470). The report revolved around the following elements: the importance of a close strategic partnership between the AU and the UN, with indications on the kind of mechanisms and processes that should be put in place in this respect; the assessment of the various mechanisms available to improve predictability, sustainability and flexibility of financing AU peacekeeping operations authorized by the UN; and the key gaps in the capacity of the AU to plan, manage, deploy and liquidate peacekeeping operations, with proposals on how the UN could assist in building this capacity. The Secretary-General pointed out that "the complex challenges of today's world require a revitalized and evolving interpretation of Chapter VIII on the UN Charter".

13. At its 206th meeting held on 15 October 2009, to discuss the recommendations contained in the report, the PSC, among others, stressed that regional arrangements, in particular the AU, have an important role to play in the prevention, management and resolution of conflicts, in accordance with Chapter VIII of the UN Charter, and that support by the UN to regional organizations in matters relating to the maintenance of international peace and security is an integral part of collective security as provided for in the UN Charter [PSC/PR/BR.2(CCVI)] . On its part, the Security Council, in a presidential statement issued on 26 October 2009 (S/PRST/2009/26), reaffirmed its resolution 1809 (2008), which addresses the issue of financing regional organizations when they undertake peacekeeping operations authorized by the UN. At the same time, it reiterated that regional organizations have the responsibility to secure human, financial, logistical and other resources for their organizations, including through contributions by their members and support from donors. The UNSC noted the assessment of the options for financing AU peacekeeping operation authorized by the Security Council and expressed its intention to keep all options under consideration.

14. On 22 October 2010, the Security Council adopted another presidential statement (S/PRST/2010/21), following the progress report submitted by the Secretary-General on support to AU peacekeeping operations authorized by the UN (S/2010/514). The UNSC recognized that, in deploying peacekeeping operations authorized by the Security Council, the AU is contributing to the maintenance of international peace and security, in a manner consistent with the provisions of Chapter VIII. It expressed its determination to continue working, in accordance with its responsibilities under the Charter, towards a more predictable

and sustainable solution to the challenges of securing sustainable, predictable and flexible financing for AU-led peacekeeping operation.

15. At their annual consultative meetings, the PSC and the UNSC have exchanged on the issue of the funding of AU-led peacekeeping operations authorized by the Security Council. In particular, they have agreed on the need to take steps to identify predictable, sustainable and flexible resources for the AU, in order to undertake peacekeeping operations in the context of Chapter VIII of the UN Charter.

III. AFRICA'S CHANGING SECURITY LANDSCAPE

16. Of the many challenges facing Africa, the quest for peace and security is undoubtedly the most pressing. Over the past two decades, the continent has witnessed a number of long-term, severe and, in some cases, inter-related crises and violent conflicts. While interstate wars and liberation struggle dominated the 1970s and 1980s, the 1990s have been characterized by intra-state violence.

17. The security challenges on the continent were comprehensively captured in my Report to the Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, held in Tripoli, on 31 August 2009. In that Report entitled *"Enhancing Africa's Resolve and Effectiveness in Ending Conflict and Sustainable Peace"* [SP/ASSEMBLY/PS/RPT(I)], I explored the changing African security landscape in a comprehensive manner, a snapshot of which is outlined in the ensuing paragraphs.

18. Clearly, over the past few years, the number of conflicts has been reduced thanks to the combined efforts of Africa and its international partners, most notably the United Nations. Countries that were not too long ago caught up in a cycle of violence are now on the path to recovery and long-term socio-economic development. At the same time, far too many African countries remain trapped in a vicious cycle of conflict and its deadly consequences. In 2007, it was estimated that 38% of high intensity conflicts in the world took place in Africa. Furthermore, peace and security challenges on the continent are not limited to large scale armed conflicts (civil or internationalized civil wars). Indeed, a considerable proportion of armed violence does not fit neatly into the category of armed violence between the military forces of parties contesting over power, territory or resources.

19. The task of resolving protracted conflicts such as Darfur and Somalia, with serious regional and international consequences, remains a considerable hurdle. Equally challenging is the task of sustaining transitions from war to peace. As stated in the AU Policy on Post-Conflict Reconstruction and Development (PCRD), "experience has indicated that in the early phases of the transition from conflict to peace, peace processes remain fragile and the risk of resumption of violence high. This is because countries emerging from conflicts are characterized by weakened or non-existent capacity at all levels, destroyed institutions and

the absence of a democratic culture, good governance, rule of law and respect for human rights".

20. Violent conflict has had a devastating impact on the continent. As stressed in the Declaration on the Establishment, within the Organization of the African Unity (OAU), of a Mechanism for Conflict Prevention, Management and Resolution, adopted by the 29th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Cairo, from 28 to 30 June 1993 [AHG/Decl.3(XXIX)], conflicts have brought about death and human suffering, engendered hate and divided nations and families, and forced millions of people into a drifting life as refugees and internally displaced persons. The consequences of armed conflict on the continent's socio-economic development are becoming clearer as research into its effect, as well as other types of violence, begins to establish the true extent of its impact. Estimates have pointed to a combined economic loss of an estimated $300bn since 1990 by a number of African countries affected by conflict.

21. The emerging trend of election-related conflicts and violence is a worrying development that could undermine the nascent democracies in several African states. As noted by the Panel of the Wise in its Report on Strengthening the Role of the African Union in the Prevention, Management and Resolution of Election-related Disputes and Violent Conflicts in Africa [Doc. Assembly/AU/6 (XIII) Annex II, endorsed by the 13th Ordinary Session of the Assembly of the Union held in July 2009 – decision Assembly/AU/Dec.254(XIII) Rev.1], while elections have become a core ingredient of popular participation in the governance process, since the new wave of democratization in the early 1990s, their outcome is increasingly contested. This situation signals weaknesses in the governance of elections and the rules of orderly political competition.

22. Mention should also be made of the uprisings in North Africa. These have unveiled a profound process that potentially contributes to democratic consolidation across Africa. The grievances that have driven the North Africa revolts have a universal ring to them: widespread dissatisfaction with authoritarian governments; increasing income inequalities, high poverty levels, and declining living standards for middle classes; and disproportionately high levels of youth unemployment, leading to social alienation. Modern tools of mobilization, such as the social media, have only contributed to sharpening the organizational tools of the new groups and constituencies. As stressed by the PSC ministerial meeting of 26 April 2011, the uprisings in North Africa should be used as an opportunity for member States to renew their commitment to the AU democratic and governance agenda, give added momentum to the efforts deployed in this respect and implement the political and socio-economic reforms which are called for in every particular national situation.

23. The growing threat of terrorism in Africa continues to pose a serious challenge to the consolidation of peace and security on the continent. The terrorist threat in Africa is a complex one, with growing links between terrorism and transnational organized crime. This is further compounded by the fact that the continent is increasingly becoming a transit route for

the global narcotics trade, with its potential devastating impact on societies and state structures, as well as by the proliferation of weapons, in particular in the Sahelo-Saharan region.

24. Another source of concern relates to border disputes and conflicts. Since African countries gained independence, the borders have been a recurrent source of conflicts and disputes in the continent. Nearly half a century after the political liberation of the continent, the delimitation and demarcation of the colonially-inherited borders still face major technical and financial problems. It is estimated that less than a quarter of African borders have been defined. This situation gives rise to "undefined zones" within which the application of national sovereignty poses problems. In these zones, a local dispute between two communities can rapidly escalate and lead to inter-State tensions. When these zones have natural resources, their management can prove to be difficult and be a source of misunderstanding.

25. As the continent strives to achieve the objective of a peaceful Africa within a peaceful world, a new threat, relating to climate change, is clouding the horizon. Changing weather patterns and rising sea levels will surely bring environmental stress to large parts of the continent. Although Africa has contributed least to global warming, the continent is likely to suffer the most from the resulting consequences, whether they relate to scarce water resources, damage to coastal infrastructure and cities, reduced agricultural yields and environmentally-induced migration. It is clear that this phenomenon will impact negatively on the quest for peace.

26. These combined threats pose a challenge to both African states and the AU, as well as to the larger international community. Africa's institutional innovations can hopefully address some of these threats. It is, however, obvious that most of them can only be addressed more successfully in partnership with the international community, in particular the United Nations system.

IV. FROM THE CAIRO MECHANISM TO THE PSC PROTOCOL

27. Peace and security has always been at the core of the concerns of African leaders, for this is a prerequisite for the development of the continent and the well-being of its peoples. As a matter of fact, African leaders have constantly endeavoured to strengthen the capacities of the continental Organization to enable it to address the challenge of peace and security.

28. It was against this background that the Mechanism for Conflict Prevention, Management and Resolution was established in Cairo, in 1993, to provide the then OAU with the necessary instruments to deal with the scourge of conflicts. More specifically, the aim was not only to develop an institutional mechanism of collective African action in matters of conflict management in relation to the hitherto *ad hoc* ways of dealing with conflict, but also to effectively take on board the changes that have taken place as far as the crises facing the

continent were concerned, with the significant increase in internal conflicts as compared to inter-State conflicts.

29. Nevertheless, the scope and gravity of the conflicts, as well as their complex nature, soon revealed the limitations of the Mechanism, which, among other things, did not provide for the deployment of peacekeeping operations – a responsibility left exclusively to the United Nations – and conferred only very limited powers on the OAU. It was necessary, therefore, to adapt the structures and resources of the continent to the situation then prevailing on the ground and to the new challenges resulting from the changes that had taken place in the international system. The efforts deployed in this regard also formed part of the plans to transform the OAU into the AU, whose Constitutive Act contains provisions on the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as well as the right of Member States to request intervention from the Union to restore peace and security.

30. It is in this context that the Heads of State and Government adopted in Durban, South Africa, in July 2002, the PSC Protocol, which entered into force in December 2003. The adoption of the Protocol marked a turning point, for it substantially strengthened the powers of the AU in matters of conflict prevention and resolution, and introduced new rules of procedure which gave added credibility to the AU. In particular, mention should be made here of the rule that prohibits the participation of any Member State, including members of the PSC, in deliberations and decision-making processes with respect to conflicts in which they are involved.

31. The PSC Protocol provided the basis for the African Peace and Security Architecture (APSA). The five main pillars of APSA are: (i) the PSC, which is a standing decision-making organ for the prevention, management and resolution of conflicts in the continent and for facilitating timely and efficient response to conflict and crisis situations in Africa; (ii) the Panel of the Wise, whose role is to support the efforts of the PSC and those of the Chairperson of the Commission, particularly in the area of conflict prevention; the Continental Early Warning System (CEWS), which is tasked to facilitate the anticipation and prevention of conflicts; (iii) the African Standby Force (ASF), composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin, ready for rapid deployment; and (iv) the Memorandum of Understanding (MoU) on Cooperation in the Area of Peace and Security between the AU and the Regional Economic Communities/ Regional Mechanisms for Conflict Prevention, Management and Resolution (RECs/RMs).

32. Since the entry into force of the Protocol, significant progress has been made in the operationalization of the APSA. The PSC is now fully operational, and has already met over 300 times, addressing most of the conflict and crisis situations facing the continent. The Panel of the Wise became operational in December 2007, and has met eleven times since then. Key components of the CEWS are in place. The ASF attained Initial Operational Capability (IOC) in

2010, following the Continental Command Post Exercise AMANI AFRICA I. A Field Training Exercise (FTX), which will involve the Rapid Deployment Capability (RDC), is scheduled for 2014. Full Operational Capability (FOC) is expected to be achieved in 2015. Finally, a number of steps have been taken towards the implementation of the MoU between the AU and the RECs/RMs, which was signed in January 2008, including the establishment of Liaison Offices to each other's Headquarters. I consider increasing political coherence between the AU and the RECs/RMs as a cornerstone of the evolving partnership with the UN.

33. From July to October 2010, the AU, in conjunction with the RECs/RMs and the European Union (EU), conducted a study to assess the progress achieved in the operationalization of the APSA and the challenges ahead, with a view to identifying further priorities and capacity needs, both at the AU and within the RECs/RMs. At their meeting held in Zanzibar on 8 November 2010, the Chief Executives of the AU and the RECs/RMs adopted an Indicative Roadmap for the Operationalization of APSA for the period 2011 – 2013. This document was further developed during a meeting of senior officials of the AU and RECs/RMs held in Nairobi, from 2 to 4 August 2011. The Roadmap is an all-inclusive document that adopts a holistic view of APSA, while also reflecting the emerging peace and security challenges on the continent. It includes an Action plan, which provides a detailed breakdown of all the elements contained in the Roadmap into concrete activities with budget costs.

V. AU'S STRUCTURAL PREVENTION INITIATIVES

34. Over the past two decades, the AU has adopted several instruments designed to facilitate the structural prevention of conflicts. These instruments relate to human rights; elections, governance and the fight against corruption; on-going democratization processes on the continent; arms control and disarmament; counter-terrorism; border management; and the prevention and reduction of interstate conflicts. They represent a consolidated framework of commonly accepted norms and principles, whose observance would considerably reduce the risk of conflict and violence on the continent and consolidate peace where it has been achieved.

35. In addition to the Constitutive Act, which commits Member States to respect democratic principles, human rights, the rule of law and good governance, mention should be made of the NEPAD Declaration on Democracy and the African Peer Review Mechanism (APRM), both adopted in Durban, in July 2002; the AU Convention on the Prevention and Combating of Corruption (2003); and the African Charter on Democracy, Elections and Governance (2007), which builds on earlier OAU/AU documents, including the July 2000 Lomé Declaration on Unconstitutional Changes of Government. It is also important to recall the 2000 Solemn Declaration on the Conference on Security, Stability, Development and Cooperation (CSSDCA). During the OAU Durban Summit, a Memorandum of Understanding was adopted with a view to giving effect to the 2000 CSSDCA Solemn Declaration. The MoU clearly defines how AU member states should pursue the key objectives outlined in the Declaration, with performance indicators and time-frames.

36. At its 9th Ordinary Session held in Banjul, The Gambia, from 25 June to 2 July 2006, the Executive Council adopted the AU PCRD Policy [Decision EX.CL/Dec. 302 (IX)]. The Policy is intended to serve as a guide for the development of comprehensive policies and strategies that seek to consolidate peace, promote sustainable development and pave the way for growth and regeneration in countries and regions emerging from conflict. Within the framework of the Policy, the AU has dispatched assessment missions to several countries emerging from conflicts, to evaluate their needs and facilitate the launching of an African Solidarity Initiative (ASI), which is designed to encourage and empower African countries to begin to systematically offer assistance to sister countries, in addition to the support from development partners. Furthermore, as a follow up to the PCRD Policy and a decision adopted by the Assembly in January 2008, the Commission has developed a comprehensive AU framework on Security Sector Reform (SSR), which will be submitted, in due course, to the relevant AU policy organs for consideration and adoption.

37. The AU has adopted various instruments towards the prevention and combating of terrorism, including the OAU Convention on the Prevention and Combating of Terrorism adopted in July 1999 in Algiers, Algeria, and the Protocol thereto, as well as the AU Plan of Action on the Prevention and Combating of Terrorism in Africa (2002). In January 2008, the Assembly of the Union adopted an AU Plan of Action on Drug Control and Crime Prevention (2007-2012). A year later, the Heads of State and Government adopted a decision on the threat of drug trafficking in Africa, which recognizes that this phenomenon was becoming a major challenge to security and governance in Africa.

38. The African Nuclear-Weapon-Free Zone (Pelindaba Treaty) of 1996 is another essential tool for the continent's collective security. The Treaty bans the testing, manufacturing, stockpiling, acquisition or possession of nuclear explosives in Africa. Following the entry into force of the Treaty on 15 July 2009, the Commission convened the first meeting of the State Parties on 4 November 2010. This was followed by the establishment of the African Commission on Nuclear Energy (AFCONE). Equally important are the various decisions and instruments pertaining to landmines, in particular the May 1997 Kempton Park Plan of Action on a Landmine-Free Africa, as well as to small arms and light weapons. In this respect, I would like to highlight the ongoing process towards the adoption of an African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons.

39. With respect to border issues, it is worth mentioning the Declaration on the AU Border Programme (AUBP), adopted by the Executive Council at its June 2007 session in Accra [EX.CL/Dec.370(XI)], with the overall objective of preventing conflicts and deepening integration on the continent. The AUBP revolves around three main axes, namely: delimitation and demarcation of African borders where such an exercise has not yet taken place, development of cross-border cooperation, and capacity building.

40. Of particular importance to the maintenance of good neighborliness among Member States is the AU Non-Aggression and Common Defense Pact of January 2005. This instrument and similar ones adopted by the RECs/RMs form the basis of the Common African Defense and Security Policy (CADSP), adopted on 28 February 2004. The CADSP is premised on a common African perception of what is required to be done collectively by African states to ensure that Africa's common defense and security interests and goals are safeguarded in the face of common threat to the continent as a whole.

VI. OVERVIEW OF THE CURRENT PARTNERSHIP

41. In their efforts to promote peace and security, African leaders have been mindful of the need for the support of the international community. Consequently, the PSC Protocol states that the PSC shall cooperate with the UNSC and other relevant UN agencies and international organizations. Under the Protocol, the PSC and the Chairperson of the Commission shall maintain close and continued interaction with the UNSC, its African members, as well as with the Secretary-General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa.

Relationship between UNSC and the PSC

42. The PSC and the UNSC have established close links. Since 2007, the two organs have organized five consultative meetings, alternating between Addis Ababa (16 June 2007, 16 May 2009 and 21 May 2011) a' ' New York (17 April 2008 and 9 July 2010). The partnership between the two Councils is based on the recognition that successful collective action relies on an effective cooperation between the two organs.

43. At its 16 June 2007 inaugural meeting, the PSC and UNSC committed themselves to the development of a stronger and more structured relationship, including between their subsidiary bodies; agreed to hold joint meetings, at least once a year, either in Addis Ababa or New York; and encouraged close consultations between the AU and UNSC as decisions are being prepared on issues affecting peace and security in Africa. In April 2008, the two organs expressed satisfaction at the efforts to strengthen their relationship. At their meeting of May 2010, the two organs agreed to pursue their consultations on ways and means to strengthen their cooperation and partnership, as well as on the modalities for the organization of their annual consultation. In July 2010, the PSC and the UNSC agreed to further consider undertaking collaborative field missions, on a case-by-case basis and as appropriate, in respect of selected peacekeeping operations to enhance synergy in monitoring, assessment of results and response strategies. They also agreed on modalities for their consultative meetings and the need for these to be substantive. In May 2011, the two organs also exchanged on the strengthening of their working methods and cooperation, agreeing to implement their previous undertaking regarding collaborative field missions.

44. While these consultations represent a significant step in the right direction, they are yet to translate into a common understanding of the foundation of the cooperation between these two organs. This is particularly important in view of their different status and mandates: the PSC has a mandate to address peace and security challenges in Africa within the context of the provisions of Chapter VIII of the UN Charter on the role of regional arrangements in the settlement of disputes among and within their Member States, while the UNSC has a universal mandate and primary responsibility for the maintenance of international peace and security. Significantly, the annual consultations are not between the two Councils, but rather between the PSC and members of the UNSC. Moreover, the consultations have been limited due to time constraints.

45. As the two organs continue to work together to deepen their partnership, it is important, in light of the fact that the African continent dominates the agenda of the UNSC, that the latter should give due consideration to the decisions of the AU and its PSC in arriving at its own decisions. While it is clear that, given its primacy in the maintenance of international peace and security, the UNSC cannot be expected to be bound by the decisions of the PSC on matters pertaining to Africa, the AU nonetheless is of the view that its requests should, at a minimum, be duly considered by the UNSC. This is crucial given its proximity and familiarity with conflict dynamics in its member states. Moreover, doing so would be consistent with Chapter VIII.

Relationship between the AU Peace and Security Council and the UN Peace Building Commission (UNPBC)

46. As early as 2007, the PSC stressed the importance of close AU-UN cooperation in peace building and in post-conflict reconstruction and development. In the document it submitted to the UNSC, following its 98th meeting held on 8 November 2007, as a contribution to the report of the UN Secretary-General in pursuance of the UNSC presidential statement of 28 March 2007, the PSC made a number of recommendations in this respect [PSC/PR/2(XCVIII)]. At its 114th meeting held on 19 March 2008, the PSC, following a briefing by the then UN Assistant Secretary-General for Peace building Support, Carolyn McAskie, stressed the need to explore practical modalities of cooperation between the AU and the UN, including exchange of information and conduct of joint fact-finding and other related missions [PSC/PR/BR(CXIV)]. At its 208th meeting, the PSC, following an exchange of views with a delegation of the UNPBC, stressed that it was looking forward to holding regular consultations with the UNPBC, in order to build synergy and enhance collaboration in the domain of post-conflict reconstruction [PSC/PR/BR.(CCVIII)]. Subsequently, the PSC, at its 226th meeting held on 19 April 2010, was briefed by the Facilitators appointed by the President of the General Assembly to conduct an in-depth review of the UNPBC achievements and methodology. On that occasion, the PSC stressed the need for the review process to make recommendations that would help strengthen local and national ownership. It also highlighted the need for the review process to pay particular attention to the expansion of the activities of the UNPBC, the

timelines for its interventions; and capacity building to ensure sustainability [PSC/PR/COMM.(CCXXVI)].

47. On 8 July 2010, in New York, the PSC and the members of the UNPBC held their first consultation. During the meeting, the participants emphasized the need for joint action on a range of issues, including resource mobilization and fielding of joint teams to undertake capacity needs assessment of countries emerging from conflict. They also affirmed the principle of national ownership. In taking forward this consultation process, the participants underlined the need to remain flexible and informal.

Relationship between the AU Commission and the UN Secretariat

48. The UN Secretariat's cooperation with the AU Commission has, until recently, been dispersed among a number of different Departments within the UN, with varied levels of scooperation between these Departments and the AU. The establishment, on 1st July 2010, of the UN Office to the AU (UNOAU), headed by a Special Representative of the Secretary-General, is a welcome decision to integrate the mandates of the different UN offices to the AU, namely the UN Liaison Office to the AU (UNLO-AU), the Peacekeeping Support Team and the Planning Team for AMISOM, as well as the support elements of UNAMID Joint Coordination Mechanism. At their 5th annual consultative meeting, the PSC and the UNSC welcomed the establishment of the UNOAU as a concrete step in the strengthening of cooperation between the UN Secretariat and the AU Commission.

49. The relationship between the UN Secretariat and the AU Commission operates on two levels, namely the political level and at the level of capacity-building. In the area of capacity building, the various interventions fall under the Ten-Year Capacity Building Programme.

The Ten Year Capacity Building Programme

50. Drafted in response to the 2005 World Summit Outcome Document, the UN-AU Framework for the Ten Year Capacity Building Programme for the African Union reflects, as indicated above, the commitment made by UN member states to support capacity-building of the AU and its RECs/RMs. With an initial focus on peace and security, the TYCBP has evolved over time to encompass UN-system engagement with the AU across a wide range of areas. In the area of peace and security, UN support to AU capacity-building efforts have centered on conflict prevention and mediation, elections, rule of law and peacekeeping. Cooperation has recently been strengthened with the establishment of the UNOAU. At their different consultative meetings, the AUPSC and the UNSC have repeatedly underlined the importance of the TYCBP.

51. With regard to conflict prevention and mediation, a strong institutional partnership has been cemented over the last three years involving UN support for the Secretariat of the Panel of the Wise, the development of an AU mediation strategy, an AU mediation experts'

roster and a series of lessons learned exercises examining how the UN and AU have worked together in a number of peace processes in Africa and how this partnership could be strengthened. Cases reviewed for that purpose include Kenya, Somalia, Darfur and Guinea-Bissau, each illustrating a partnership where the UN, the AU or a REC/RM was leading or co-leading the process. Recommendations drawn from the joint lessons learned workshops have subsequently served as the foundation for common UN-AU mediation partnership guidelines, which are being developed by both organizations. These guidelines are intended to facilitate cooperation between UN and AU officers working side-by-side or jointly in mediation processes.

52. In terms of elections, the UN has provided support to the AU Commission for the establishment of its Electoral Affairs Unit, involving the development and management of the database of African experts and observers, the management of the Electoral Assistance Fund and the overall implementation of the Unit's activities. Moreover, cooperation is ongoing in the area of training to build the capacity of AU election observers and to strengthen the methodologies used for training them. The UN is also providing technical assistance and working with the AU to formulate best practices and relevant policy guidance on elections support.

53. UN-AU cooperation is ongoing in the area of the rule of law, covering Security Sector Reform (SSR) and Disarmament, Demobilization and Reintegration (DDR). The UN is working with other AU partners to enhance the capacity of the AU Commission to advance its SSR and DDR agendas. In addition to the finalization of the AU Policy Framework on SSR, the UN has contributed to the development of the EU-funded AU SSR project. This project will cover the recruitment of staff, logistical support, and training of SSR focal points in the AU, RECs/RMs and African member states. Linking these SSR efforts with the AU's conflict prevention and post-conflict reconstruction work is also envisioned. With the objective to rapidly disseminate AU Policy on SSR, the UN and AU have co-organised a number of joint orientation workshops for the RECs/RMs, as well as for the Pan African Parliament in November 2011. Within the framework of the AU PCRD Policy, the UN and the World Bank are contributing to the development of future AU DDR activities, including operational engagements in a few countries, as well as the setting up of the DDR resource centre in the AU Commission.

54. Cooperation between the AU Commission and the UN with regard to peacekeeping is substantive, and has taken shape over the years. UN support in this area could be divided into two parts: planning, development and management of current operations, including support to the African Union Mission in Somalia (AMISOM); and institutional support to the AU Commission for the operationalization of the ASF, a key pillar of the APSA. UN planners have worked daily with their AU counterparts to ensure developments in both areas. The UN and AU are also exploring lessons learned from joint peacekeeping in Darfur and ways to strengthen such hybrid or other forms of cooperation in the future.

The AU-UN Desk-to-Desk meetings

55. At another level, the AU Commission and the UN Secretariat have established a strong practice of meeting regularly through Desk-to-Desk encounters – UN-AU Consultative Meetings on Prevention and Management of Conflicts – which bring together the desk officers of the two organizations in the area of peace and security to discuss and exchange information and ideas on country-specific and thematic issues of common interest. So far, six such Desk-to-Desk meetings have been held (Bahir Dar, Ethiopia, 26 – 27 July 2008; New York, 27 February – 1 March 2009; Addis Ababa, 17 – 18 December 2009; Gaborone, 14 -15 June 2010; Nairobi, 10 – 11 June 2011; and Zanzibar, 1 – 2 December 2011).

56. These meetings have gradually been expanded to include desk officers from the RECs/RMs.The most recent Desk-to-Desk, hosted by the AU in Zanzibar, focused on peace and security developments in West, Central and East Africa, following up in part on the last meeting of the UN-AU Joint Task Force on Peace and Security, held in New York on 19 September 2011. A session was also devoted to overall strategic UN-AU cooperation in the area of peace and security.

The Joint Task Force on Peace and Security and other related consultations

57. On 25 September 2010, in New York, the UN Secretary-General and I launched the AU-UN Joint Task Force (JTF) on Peace and Security, to coordinate immediate and long-term strategic issues of common interest between the two organizations. The JTF meets twice a year, on the margins of the AU Summit in Addis Ababa, in January/February, and of the UN General Assembly in New York, in September. It is jointly chaired by the Under-Secretaries General for Political Affairs, Peacekeeping Operations and Field Support, and the AU Commissioner for Peace and Security.

58. The JTF held its first meeting in New York, on 28 September 2010, during which it adopted its Terms of Reference (ToR) and had a broad exchange of views on developments in Sudan, Somalia and the Horn of Africa, in general, as well as on the Great Lakes region. Matters relating to unconstitutional changes of Government were also discussed. Subsequently, JTF met in Addis Ababa, on 2 February 2011, and in New York, on 19 September 2011, reviewing the various conflict situations on the continent. In February, the JTF reviewed the outcomes of the high-level meetings on Côte d'Ivoire, Somalia and Sudan, held in Addis Ababa on 29 and 31 January 2011, and agreed on the follow up steps and arrangements needed to implement the conclusions reached. The meeting also discussed the situation in Madagascar and the SADC efforts to restore constitutional order in that country. In September, the JTF reviewed the situations in Libya, Somalia, Sudan and South Sudan, and agreed on steps and arrangements needed to strengthen, and ensure greater coherence to the partnership between the UN and the AU in those countries, within the framework of Chapter VIII of the UN Charter.

59. The JTF has an important role to play in providing political and strategic guidance to the partnership, including through assistance to the UNSC and the PSC in strengthening their cooperation and partnership, bringing greater coherence to the partnership, taking into account the comparative advantages of the two organizations, identifying areas for concerted action on both country-specific and thematic issues, and broadening the understanding of issues of mutual concern. It is my hope that it will play an increasingly important role in providing the necessary strategic guidance to sustain the *raison d'être* of the partnership.

60. The Commission and the UN Secretariat cooperate through a number of other modalities, including daily interaction at operational level, consultations, as may be required, at the level of the Commissioner for Peace and Security and other members of the Commission, on the one hand, and their UN counterparts, on the other. At my own level, I maintain regular contact with the UN Secretary-General on issues warranting our personal involvement and attention, in addition to meetings in Addis Ababa, New York and other places whenever possible. I should also add that, on the ground, the AU and the UN have significantly stepped-up their cooperation. AU Liaison Offices and Field Missions in conflict and post-conflict zones interact daily with their UN counterparts. The level of consultation and coordination on the ground is indicative of how the AU and the UN can best combine their efforts and respective comparative advantages in furtherance of peace, security and stability in Africa.

Cooperation in peacekeeping AMIS/UNAMID

61. The two institutions have also entered into various cooperation arrangements in the area of peacekeeping. Starting with the transition from the AU's first ever peacekeeping operation in Burundi (2003-2004), AMIB, there have been different iterations of partnership in this area, the most pronounced being the AU-UN Hybrid Operation in Darfur (UNAMID), which took over from the AU Mission in Sudan (AMIS), in December 2007, following the adoption by the PSC, at its 79th meeting held on 22 June 2007, of communiqué PSC/PR/Comm.(LXXIX) and UN Security Council resolution 1769 (2007) of 31 July 2007. As part of the transition to UNAMID, the UN provided a light and a heavy support package to AMIS, funded through UN assessed contributions. In establishing UNAMID, the two institutions ventured into the practicalities of harnessing the advantages that the UN enjoys due to its universal character and those of the AU due to its regional character and other relevant factors. UNAMID is essentially an interesting experiment of marrying universalism and regionalism.

62. In operational terms, and in line with the AU-UN high-level consultation that took place in Addis Ababa, on 16 November 2006, and the communiqué adopted by the 66th meeting of the PSC, held in Abuja on 30 November 2006 [PSC/AHG/Comm.(LXVI)], as endorsed by the UNSC presidential statement of 19 December 2006 (S/PRST/2006/55), the two organizations agreed that backstopping and command and control for the hybrid operation would be provided by the UN, and the overall management of the operation would

be based on UN standards, principles and established practices. However, in order to maintain the "African character" of the mission, a precondition for the transition from AMIS to UNAMID, the head of the operation, the Joint Special Representative, would be appointed jointly by the Chairperson of the AU Commission and the Secretary-General of the UN. The Force Commander, who should be African, would be appointed by the Chairperson of the AU Commission in consultation with the UN Secretary-General. These arrangements have served well the effectiveness of UNAMID.

63. So far, the hybrid operation has progressed reasonably well and is bringing to the fore some critical lessons for future engagements. It is important to note that the current challenges facing the mission are largely a function of how it came into being and the political environment in which it is operating. In other words, the challenges cannot be attributed to the hybrid nature of the mission. Unlike other peacekeeping missions, UNAMID was not deployed as a result of a peace agreement. Furthermore, the intractable conflict in Darfur was complicated by a myriad of international interests and by subsequent developments, in particular the International Criminal Court's (ICC) indictment of President Omar Hassan al Bashir. These challenges have nothing to do with the hybrid nature of the mission; they would have been there even under a different peacekeeping arrangement.

64. The hybrid operation also presaged the evolution of the political environment in which peacekeeping is increasingly taking place in Africa, especially in situations in which, for a number of reasons, there is resistance to the deployment of a fully-fledged UN peacekeeping operation. Significantly, and as a follow up to earlier pronouncements on the matter, the PSC, at its 301st meeting, held on 30 November 2011, reaffirmed the hybrid nature of UNAMID and its African character, as key to the success of the Mission [PSC/PR/COMM./ (CCCI)].

AMISOM and UN logistics support

65. At its 69th meeting held on 19 January 2007, the PSC authorized the deployment of the AU Mission in Somalia (AMISOM), with a mandate to support the Transitional Federal Institutions (TFIs) in their efforts towards the stabilization of the situation in the country and the furtherance of dialogue and reconciliation; to facilitate the provision of humanitarian assistance; and to create conducive conditions for the long-term stabilization, reconstruction and development of Somalia [PSC/PR/Comm.(LXIX)]. The PSC decided that AMISOM shall have a total strength of 8,000 military personnel and 270 police officers. Through successive resolutions, the UNSC has authorized the Member States of the AU to maintain the mission in Somalia.

66. In deciding to deploy AMISOM, the AU was of the view that this would be for an initial stabilization phase, which would lead eventually to the deployment of a UN peacekeeping mission. However, given the security challenges presented by Somalia, the Secretary-General of the UN advised the UNSC that, rather than a UN peacekeeping mission, the situation would require the deployment of a multinational force with full military capabilities. As attempts to

raise such a force failed, the UN Secretary-General explored other options, including UN support for AMISOM.

67. Consequently, on 19 December 2008, the Secretary-General submitted proposals to the UNSC, which included the provision of a logistics support package to AMISOM, funded through UN assessed budget, and support for building the capacity of Somali rule of law and security institutions. The latter would be funded from a multi-donor trust fund. The logistics support package would be at UN peacekeeping standards, and would eventually raise the operational standards of AMISOM, thereby facilitating a transition to a UN mission at a later date. In resolution 1863 (2009) of 16 January 2009, the Security Council requested the Secretary-General, in order for AMISOM's forces to be incorporated into a United Nations peacekeeping operation, to provide a UN logistical support package to AMISOM, including equipment and services, but not including transfer of funds to AMISOM. The United Nations Support Office for AMISOM (UNSOA) was established to facilitate the delivery of the UN support to the Mission.

68. Following the 245th meeting of the PSC held on 15 October 2010, which authorized the increase of AMISOM strength to 20,000, the UNSC, on 22 December 2010, adopted resolution 1964 (2010), in which it authorized the AU to maintain the deployment of AMISOM until 30 September 2011 and to increase its force strength from 8,000 to 12,000 troops. At its 293rd meeting held on 13 September 2011, the PSC requested the UN Security Council to authorize the enhancement of the support package provided by the United Nations to take into account the shortcomings identified and the fact that AMISOM is a multidimensional mission. In resolution 2010 (2011), adopted on 30 September 2011, the Security Council, having authorized the AU Member States to maintain the deployment of AMISOM until 31 October 2012, requested the Secretary-General to continue to provide a logistical support package called for by resolution 1863 (2009) for a maximum of 12,000 AMISOM uniformed personnel. While the support package was enhanced, it still fell short of the request made by the PSC.

69. As this report was being finalized, the AU and the UN were working on a Strategic Concept for future operations in Somalia, the implementation of which would require much larger support from the UN, in particular the funding from the assessed budget of an enhanced mission support. This initiative should be situated in the context of the unprecedented window of opportunity in Somalia arising from the forced withdrawal of Al-Shabaab from Mogadishu and the ongoing joint operation by the Kenya Defense Forces (KDF) – which will soon be integrated into AMISOM – and the forces of the Transitional Federal Government (TFG) in South Central Somalia.

70. While the logistical support being delivered by UNSOA has been invaluable to AMISOM, enhancing the operational effectiveness of the Mission, it remains nonetheless inadequate in view of the challenges on the ground. It does not cover all the critical mission support elements, including troop and police personnel allowances, which are paid for by the European Union, through the African Peace Facility, support for the civilian component, and

reimbursement for contingent owned equipment (COE). Support for COE is covered by a multi-donor Trust Fund, mainly from voluntary contributions, subject to caveats from the donors, many of whom reject reimbursement for lethal equipment.

71. Given UN peacekeeping doctrine that it deploys when there is a peace to keep, in a situation like Somalia, it is unlikely that the UN would be able to deploy a peace mission in the immediate, even though significant advances have been made on the ground. The AU's peacekeeping posture in Burundi, Darfur and now Somalia points to the emergence of a different peacekeeping doctrine; instead of waiting for a peace to keep, the AU views peacekeeping as an opportunity to establish peace before keeping it.

Joint mediation in Darfur

72. In May 2005, the then Chairperson of the AU Commission appointed Dr. Salim Ahmed Salim, former OAU Secretary-General , as the AU Special Envoy for the Inter-Sudanese Political Talks on Darfur. While Dr. Salim worked closely with the UN Mediator, Mr. Jan Eliasson, nonetheless it was difficult for them always to harmonize their positions. Thus the Mediators themselves argued for the need for the appointment of a single joint Mediator who would present a unified position to the parties. Thus, in June 2008, the Secretary-General of the UN and I appointed Mr. Djibril Yipènè Bassolé as the Joint AU-UN Chief Mediator for Darfur (JCM), to lead the efforts to reach a negotiated solution of the protracted conflict in Darfur.

73. On 14 July 2011, in Doha, the Government of Sudan (GoS) and the Liberation and Justice Movement (LJM) signed the Doha Document for Peace in Darfur (DDPD). The Chair of the AU High-Level Implementation Panel (AUHIP) on Sudan and the Deputy Chairperson of the Commission attended the ceremony on behalf of the AU. The DDPD contains substantial improvements on previous agreements as it addresses issues that were never addressed before (such as human rights and fundamental freedoms), as well as substantial provisions on wealth and power-sharing and compensation for IDPs and refugees. It provides for the establishment of a Darfur Implementation Follow-up Committee, headed by the Government of Qatar and comprising other international partners, that will work with the AU and the United Nations. Both the PSC and I welcomed the DDPD as a positive development that will greatly contribute towards the promotion of peace and security in Darfur, and commended the former JCM, as well as the Government of Qatar, for their tireless efforts.

74. Clearly, the appointment of a JCM contributed towards the advancement of peace in Darfur. At the same time, it did not fully achieve its potential, given the absence of coherence between AU policies and those of the UN. The AU's policy on Sudan is expressed in the report of the AU High-Level Panel on Darfur (AUPD), which was adopted by the PSC, meeting at the level of Heads of State and Government, in Abuja on 29 October 2009. The AUPD report argues that any peace agreement that is limited to agreement between the armed

belligerents is not sustainable. It argues for an inclusive Global Political Agreement (GPA) that would include all stakeholders in Darfur.

75. In the aftermath of the Sudanese general elections in 2010, the AU High-Level Implementation Panel (AUHIP), which was appointed to work towards the implementation of the recommendations of the AUPD report, argued that the elections in Darfur had changed the political landscape of the region, which entailed a reconfiguration of the political process. Thus, in addition to groups representing civil society, IDPs and native administration, an inclusive political process would also need to include the newly-elected officials in Darfur. Moreover, if the political process was to address the concerns of the victims of Darfur's conflict, it needed to be held in Darfur itself. It therefore called for the launch of the Darfur Political Process (DPP), inside Darfur, which would bring together all the stakeholders in the conflict.

76. The DPP was agreed to at a meeting between the AU and UN senior leadership in Addis Ababa, on 6 May 2010. This was subsequently endorsed at a meeting of the Sudan Consultative Forum (SCF), also held in Addis Ababa, on 7 May 2010. The decision was reaffirmed at subsequent meetings of the SCF. It was agreed that the DPP would complement the Peace Process in Doha and be launched by mid-December 2010, and it was hoped that it would provide an opportunity to promote any agreement reached in Doha to the people of Dafur. The GoS expressed support for the DPP and agreed with the Panel on the importance of an 'enabling environment'- a setting conducive to an open, participatory and meaningful political process.

77. However, the DPP has not yet been launched. For political and practical reasons, it proved not feasible to launch the DPP so long as the Doha Peace Process was ongoing. The Panel repeatedly postponed the launch of the DPP in order not to interfere with the Doha Peace Process. Following the conclusion of the Doha Process, a second factor delaying the launch of the DPP became dominant: namely international disagreement about the meaning and role of the "enabling environment." The Panel has always insisted on an enabling environment as a condition for a meaningful and credible DPP. Other international actors, however, have insisted on an enabling environment as a precondition for the launch of the DPP, and have imbued it with demands not directly related to the DPP. These disagreements have prevented the DPP from being launched.

78. As this report was being finalized, the UN, pursuant to paragraph 9 of Security Council resolution 2003 (2011), was developing a roadmap for the Darfur peace process after the signing of the DDPD. Based on consultations conducted so far, the roadmap will be based on the following four pillars: (a) support for the implementation of the DDPD; (b) continued engagement with the Government and non-signatory movements to promote negotiations; (c) support for Darfur-based internal dialogue and consultations; and (d) coordinated and complementary involvement of international actors in support of the Darfur peace process. At its 299th meeting held on 30 November 2011, the PSC, having taken note of the ongoing

efforts to develop a roadmap on the peace process for Darfur, reiterated the need to fully take into account the AU position on Darfur, as articulated in its communiqué of 29 October 2009 endorsing the report of the AUPD, and subsequent AU decisions on Darfur [ ]....

Other Joint mediation endeavors

79. The AU and UN have embarked on successful partnerships in mediation in other theatres, most notably in Kenya in 2008. The Panel of Eminent African Personalities, which was chaired by former UN Secretary-General Kofi Annan, was established by the AU to mediate in the post-electoral conflict between the two main parties in Kenya, following the disputed elections of December 2007. The Secretariat to the Panel was staffed largely by UN officials, and had access to all the material, logistical and political support of the UN, while making use of the political legitimacy and access of the African Union. It is important for the two institutions to draw valuable lessons from this experience as a way of enhancing future partnerships on mediation. The most critical lesson from the mediation efforts in Kenya is that complementarity, comparative advantage and strategic convergence between the two institutions would have a significant multiplying effect on their joint peacemaking endeavors.

80. The same assessment can be made of the current efforts to facilitate the post-secession negotiations between Sudan and South Sudan. While the AU, through the AUHIP, has taken the lead in facilitating those negotiations, very close collaboration has been established with the UN Special Envoy for Sudan, Haile Menkerios, with the two teams working together on all issues involved and ensuring effective coordination and harmonization of efforts. Much can be learned from this successful cooperation as the AU and the UN strive to enhance the effectiveness of their engagement to tackle conflicts and other crisis situations on the continent.

Management of the Libyan crisis

81. The management of the crisis that broke out in Libya in mid-February 2011 is a further illustration of the need for enhanced consultation and coherence between the AU and the UN, in particular the PSC and the UNSC. Seized with the situation at its 261st meeting held on 23 February 2011, the PSC strongly condemned the indiscriminate and excessive use of force and lethal weapons against peaceful protestors and underscored the legitimacy of the aspirations of the Libyan people to democracy, political reform and justice [PSC/PR/Comm(CCLXI)]. At its 265th meeting held on 10 March 2011, at the level of Heads of State and Government, the PSC agreed on a Roadmap for the resolution of the crisis revolving around the following points: (i) immediate cessation of all hostilities; (ii) cooperation of the competent Libyan authorities to facilitate the timely delivery of humanitarian assistance to the needy populations; (iii) protection of foreign nationals, including the African migrants living in Libya; and (iv) adoption and implementation of the political reforms necessary for the elimination of the causes of the crisis. It decided to establish an AU *Ad-Hoc* High-Level Committee on Libya to promote this Roadmap [PSC/PR/Comm.2(CCLXV)].

82. On its part, the Security Council, following resolution 1970(2011), adopted, on 17 March 2011, resolution 1973(2011). In that resolution, the Security Council: (i) demanded the immediate establishment of a ceasefire and a complete end to violence and all attacks against civilians; (ii) stressed the need to intensify efforts to find a solution to the crisis, and (iii) noted the decisions of the UN Secretary-General to send his Special Envoy to Libya and of the AU PSC to send its *ad hoc* High-Level Committee to Libya with the aim of facilitating dialogue. Furthermore, the Security Council decided to impose a no-fly zone over Libya, to protect civilians under threat of attack in Libya. The military campaign to enforce the no-fly zone started immediately thereafter.

83. The High-Level *ad hoc* Committee took a number of initiatives in pursuance of its mandate, including a consultative meeting with the neighboring countries and the international partners, in Addis Ababa, on 25 March 2011, and a visit to Libya, on 10 and 11 April 2011. The PSC met a number of occasions thereafter. The Assembly of the Union also convened in an extraordinary session in Addis Ababa on 26 May 2011. In parallel to the efforts of the *ad hoc* Committee, the Commission kept close contact with the international partners. At its 17th Ordinary Session held in Malabo on 30 June and 1 July 2011, the Assembly of the Union endorsed Proposals for a Framework Agreement on a Political Solution to the crisis [Assembly/AU/Dec.385(XVII)]. The Proposals were submitted thereafter to the parties. Eventually, however, the efforts of the *ad hoc* Committee did not achieve the expected results, with the situation fast evolving on the ground. By the end of August 2011, the forces of the National Transitional Council (NTC) had entered into Tripoli and have since gained full control of the country, ushering in a transition towards democratically-elected institutions. Subsequently, the PSC decided that the new Libyan authorities would occupy the seat of Libya in the AU and its organs, and authorized the establishment of an AU Liaison Office in Tripoli, to support the efforts of the Libyan Government and the transition process.

84. While the AU continuously reiterated its commitment to resolutions 1970(2011) and 1973(2011), the work of the *ad hoc* Committee, which was formally recognized by the UNSC, did not receive the expected level of support from the Security Council. The discussions of the 5th consultative meeting between the PSC and the UNSC on the situation in Libya were illustrative of the lack of convergence between the two organs, with the PSC stressing that the efforts of the *ad hoc* Committee fell within the overall context of Chapter VIII of the UN Charter and, as such, should be fully supported by the UNSC and the larger international community, and members of the Security Council emphasizing the lead role to be played by the UN Special Envoy. Lessons need to be drawn from this experience, as the AU and the UN need to work in unison in furtherance of peace, security and stability on the continent.

85. I note with satisfaction that, in spite of the differences that characterize their approach to the crisis, the AU and the UN agree on the need to closely work together in support of the efforts of the Libyan authorities towards the successful conduct and conclusion of the transition. Already, steps have been taken by the two organizations to pool their

efforts together to address the consequences of the Libyan crisis, in terms of proliferation of arms and support to African migrant workers who left Libya. To that end, a joint AU-UN mission visited the countries of the region in the course of December 2011, ahead of a ministerial meeting of the interested countries to be held on the margins of the forthcoming AU Summit in January 2012, to consider the outcome of the mission and agree on the best way forward.

VII. TOWARDS GREATER APPRECIATION OF THE SPIRIT OF CHAPTER VIII

86. The growing role of regional and sub-regional organizations in the maintenance of international peace and security has been a major feature of the post-Cold War international security landscape. Regional organizations now occupy a pivotal position in the international security architecture; they have become indispensable pillars of multilateralism. Following a process of normative and institutional development, they are now seen as critical providers of security as a public good in their respective regions. Nowhere is this more notable than in Africa where institutions that were established for economic integration purposes are now deeply involved in managing security challenges in the continent. The transformation of the OAU into the AU was perhaps the most notable development in Africa because of its wider global implications. Having adopted a comprehensive security regime, the AU, in collaboration with the RECs/RMs, is now playing a more pivotal role in managing security on the continent.

87. Article 52(1) of the UN Charter provides for the "existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations." The Charter encourages regional institutions to give priority to finding peaceful solutions to conflicts. However, the Charter reserves the right to authorize enforcement action for the Security Council. Article 53(1) state that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council..." Thus, all enforcement actions by regional organizations require the authorization of the UNSC, but even after such authorization, these organizations are obliged to keep the Council informed of their actions. This principle was largely adhered to for the first four decades of the UN but was tested in the early 1990s when several regional and even sub-regional organizations undertook military action without an explicit UNSC authorization.

88. The challenge for the AU and the UN is how to apply the spirit of Chapter VIII without prejudice to the role of the UNSC, on one hand, and without undermining or otherwise curtailing the efforts of the AU to develop its own capacity to provide adequate responses to the security challenges in Africa, on the other. This dilemma raises a key question: What is the appropriate consultative decision-making framework, division of labor and burden-sharing that should be put in place? To date, this question has not been addressed in a consistent

manner and, as such, cooperation between the UN and AU has been forced by the exigencies of time.

89. At the heart of Chapter VIII is the need to complement the international legitimacy and legality of the UN with the advantages embedded in regionalism. This was not lost on the two UN Secretaries-General in the immediate post-Cold War era, Boutros Boutros Ghali and Kofi Annan. Both Secretaries-General recognized the pivotal role of regional organizations and made efforts to situate these institutions in the wider international security architecture in the context of Chapter VIII. They subscribed to, and understood the need to develop a complementary relationship between the UN and regional entities. To them, a proper application of Chapter VIII would help to address the gap in the international system that was crafted in the post-1945 era. In other words, an innovative and flexible application of Chapter VIII would contribute to developing a more equitable global order. Hence, developing strategic partnerships with regional organizations was viewed as a crucial first step in crafting a global security architecture that reflected the changing dynamics of the international system, especially in the post-Cold War period. Driven by these motivations and an overstretched UN peacekeeping system, Boutros Ghali and Kofi Annan set the stage for the evolving but still largely undefined partnership between the UN and regional organizations.

90. The current Secretary-General, Ban Ki-moon, has pursued and enhanced this approach, demonstrating utmost commitment to work with regional organizations. In his first report on the relationship between the UN and regional organizations in 2008 (S/2008/1866), he called on the UNSC to properly define the role of these organizations and to ensure that a structured system of cooperation is put in place to ensure coherence of international and regional responses to existing and emerging conflicts. The Secretary-General reiterated this call in his two follow-up reports on Support to African Union peacekeeping operations authorized by the United Nations (S/2009/470) and (S/2010/514). In particular, in his 14 October 2010 report, the Secretary-General stressed that "the complex challenges in the world today require a revitalized and evolving interpretation of Chapter VIII of the Charter of the United Nations", noting that cooperation between the UN and regional organizations has become more and more important in addressing and resolving conflicts around the world. He underlined that the extent to which the UN Secretariat can cooperate with the AU Commission in the quest for regional peace and security would rest on clear guidance and direction from UN legislative bodies. Consequently, he highlighted the need for the Security Council to enunciate its vision of that strategic partnership, adding that "this would entail a clearly defined expectation of the role of regional organizations in maintaining international peace and security... Without a truly strategic relationship and clear guidance, our efforts to work together will continue to be short-term, ad hoc, more complicated and often more costly". These recommendations are particularly pertinent and are given greater urgency by recent developments in the relationship between the UN and AU.

91. This situation brings to the fore the need for proper appreciation and application of the principle of subsidiarity, which has not been fully explored in the existing partnership.

There are at least three elements to the principle: a) consultative decision-making; b) division of labor; and c) burden sharing. Thus far, there has been limited discussion on the first two elements, while the question of burden sharing was tackled by the by the Prodi Panel Report. The Panel broke with past practice, making wide ranging recommendations, including the use of UN assessed contributions on a case-by-case basis to support United Nations Security Council-authorized African Union peacekeeping operations. For its part, Article 17(1) of *the PSC Protocol* cites Chapter VIII as the basis of its relationship with the UN. The Protocol directs the PSC to cooperate with the UNSC, "...which has the primary responsibility for the maintenance of international peace and security." In a direct reference to burden-sharing, Article 17(2) of the Protocol states that: "Where necessary, recourse will be made to the United Nations to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa, in keeping with the provisions of Chapter VIII of the UN Charter".

VIII. PRINCIPLES FOR GREATER POLITICAL COHERENCE

92. While Article 17 of the PSC Protocol reaffirmed the primacy of the UNSC in the maintenance of international peace and security, it is equally important to articulate additional principles to underpin the relationship between the two institutions. Such a move would boost efforts to achieve political coherence when they embark on joint peacemaking endeavors. Articulating these principles does not prejudice the UNSC's primacy in promoting peace and security globally; rather it reinforces that role by attempting to clarify its relationship with the AU, in the context of Chapter VIII.

93. There is no doubt that the international landscape has been transformed over the past six decades; however, the political and security institutions established at the end of the Second World War have remained static. In practical terms, this has meant that regional organizations have emerged to address security challenges in their respective regions because the UN was either unwilling or unable to address those challenges. Efforts to ensure cooperation between the UN and these institutions have often faltered because such efforts were *ad hoc* and lacked coherence. In order to minimize disruptions in the partnership and to ensure political coherence, I propose the articulation and the development of consensus on a set of principles that would pave the way for greater synergy. These principles are meant to serve as generic pillars on which the broader partnership can be built; the specificities of each case of collaboration in the field would be worked out on a case-by-case basis:

94. ***First, support for African ownership and priority setting***: In the spirit of mutual respect, it is critical to support and promote African ownership and priority setting on issues impinging on the continent's peace and security. Promoting this principle would go a long way to enhancing the strategic partnership between the two institutions. That the AU and RECs/RMs have developed comprehensive approaches to dealing with conflicts on the continent, thereby identifying priority issues, provide a good basis for creating greater synergy between the two institutions. Closer and consistent consultations between the

decision-making organs of the two institutions, in particular the UNSC and the PSC, would ensure that African ownership and priority setting is respected.

95. ***Second, flexible and innovative application of the principle of subsidiarity:*** As I stated earlier, subsidiarity, which is at the heart of Chapter VIII, has at least three implied elements: i) consultative decision-making; ii) division of labor; and iii) burden sharing. The UN and AU should engage in a dialogue on all three elements to foster political coherence. So far, there is no consensus on the application of the first two elements, while discussion on the third is hamstrung by the absence of consensus on the full implications of implementing Chapter VIII. While it might not be feasible to achieve consensus on all three elements, taking an innovative and bold approach to applying the spirit of Chapter VIII is an important first step. In a nutshell, issues of legitimacy, division of labor and burden sharing will be clarified if this principle is accepted and applied in the relationship between the UN and AU. The same principle applies to the relationship between the AU and the RECs/RMs. This is another important angle that should be factored into efforts to enhance the strategic partnership between the AU and UN. Efforts to achieve political coherence would be weakened if the role of the RECs/RMs is not properly situated in the partnership.

96. ***Third, mutual respect and adherence to the principle of comparative advantage:*** Regional organizations have a strong comparative advantage in promoting peace and security in their backyards. They are often better positioned to serve as first points of call given their proximity to conflict theatres. In light of this, two elements of this principle can be identified:

(i) ***Political legitimacy***: The political legitimacy of external actors is proving controversial as conflicts shift from inter-state to intra-state. External interventions are increasingly being viewed with reluctance by national actors for a range of reasons, including sovereignty, historical reasons and perceptions linked to impartiality. This is where regional and sub-regional organizations have shown their comparative strength. They have developed comprehensive conflict management instruments and doctrine covering a broad spectrum of issues, notably governance-related crisis and conflicts, including unconstitutional changes of governments, ranging from conflict prevention to post-conflict reconstruction. Moreover, their familiarity with the conflict dynamics and the parties involved provides them with the entry points and, most importantly, some leverage over these actors. Even where they don't enjoy the full confidence of all parties, their role is often less controversial than other external actors, primarily because their actions are anchored on the principles and norms that their members have subscribed to. In essence, regional organizations enjoy a high degree of political legitimacy. How the two institutions address this situation would determine the success of regional and international efforts in dealing with existing and emerging security challenges on the continent.

(ii) ***Flexibility:*** Regional organizations are proving to be more flexible and adaptable in dealing with security challenges in their regions than other international organizations. In practical terms, these instruments provide the AU with the legal basis to respond to all forms of conflicts on the continent.

The AU's flexibility is manifested in its ability to convene meetings of its PSC at ambassadorial, ministerial and Heads of State and Government levels. That it has established several high-level panels consisting of sitting and former Heads of State is a further manifestation of the AU's flexibility and creativity in applying different tools in its efforts to promote peace and stability on the continent. The pivotal role of the AUPD, which was transformed into the AUHIP, is a clear demonstration of how this doctrine is being applied.

97. ***Fourth, division of labor underpinned by complementarity:*** Judging from the above, it is obvious that the two institutions need to engage in dialogue to establish a mutually agreed division of labor to foster coherence and limit competition. The dialogue should be centered on addressing questions such as: How can the comparative strengths of the two institutions be harnessed more effectively? What is the appropriate division of labor between the two institutions and, by extension, the RECs/RMs? What concrete steps should be taken to guarantee coherence and minimize competition? How can complementarity between these institutions be enhanced?

98. Establishing shared values on a range of issues and working towards political convergence on key policy questions are important first steps in addressing some of the aforementioned issues. At the same time, while it is crucial to agree on a division of labor, it is equally important to ensure that the envisaged roles of the two institutions are flexible and adaptable to the often fluid circumstances on the ground. The role of the RECs/RMs in managing conflicts in their regions makes the need for clarity on the question of division of labor even more important. The RECs/RMs are more likely to act as first responders and are usually more attuned with developments in their respective regions.

IX. TOWARDS STRATEGIC CONVERGENCE: THE WAY FORWARD

99. The need to achieve political coherence should be a strong imperative that guides both institutions as they forge a partnership that is anchored on mutual respect. Thus, accepting and seeing the partnership in its wider strategic context is an important step in ensuring strategic convergence between the two institutions. From a practical angle, the partnership should be viewed from the standpoint of harnessing the comparative strengths of the UN and AU for optimal outcomes. The partnership should not be looked at from the narrow prism of resources as that would undermine the *raison d'être* of the partnership, in particular recognition of each other's comparative strength. More crucially, the partnership should be mutually reinforcing; it should not diminish the role of the AU in managing peace

and security on the continent or usurp the UN's global responsibility for maintenance of international peace and security.

STRATEGIC LEVEL COOPERATION

100. Application of the spirit of Chapter VIII based on mutual recognition and acceptance of the indispensability of regional organizations in the contemporary global order would impact on how the partnership is conceptualized at the strategic level. To strengthen the existing relationship at the strategic level, it is important to take the following steps.

(i) ***Deepening strategic partnership on the basis of Chapter VIII:*** It is critical for both institutions to have a shared understanding of the spirit and intent of Chapter VIII in the context of the UN's collective security framework. This would ensure that the partnership is situated in the proper strategic-political context that it should be. In practical terms, this will require a bold and innovative reading of the spirit of Chapter VIII, which sets the stage for the strategic partnership by: a) recognizing the role of regional organizations in managing security in their regions; and b) calling on regional organizations to engage with the UNSC in their efforts to manage peace and security in their respective regions.

(ii) ***Greater dialogue on principles to underpin the partnership:*** As part of efforts to consolidate the existing partnership, the AU and the UN should engage in dialogue on the principles that should underpin the strategic partnership between the two. Such dialogue would help the two institutions to better harmonize their approaches and methods of dealing with conflicts on the continent. This might also help the two Councils to deliberate on the parameters on what constitutes a threat to international peace and security; a discussion that is necessitated by the varied responses to crisis by the UNSC.

(iii) ***A more structured consultation between the UNSC and PSC:*** As part of the dialogue called for above, the UNSC and PSC may wish to explore ways of strengthening and structuring their annual consultations. The two Councils may wish to dedicate more time to discussing substantive policy issues when they meet. Moreover, they should adopt a forward looking approach in their deliberations. Ensuring that the annual consultations are structured around mutually agreed issues is an important first step. At another level, appropriate consultations should be encouraged between the two Councils before taking decisions on issues that have a direct impact on Africa's stability.

(iv) ***Enhance interaction between the President of the UNSC and the Chair of the PSC:*** Interaction and dialogue between the monthly Chairs of the two Councils should be improved. Just as dialogue between the two Organs should be

elevated to include important substantive issues, the same applies to their monthly chairs. In other words, their interaction should transcend the sharing of calendars, which is important in its own right, but should not be the primary focus of the interaction.

(v) ***Convene ad hoc consultations between UNSC and PSC***: Given the fluid and unpredictable nature of conflict dynamics on the continent, the two Councils may wish to consider holding *ad hoc* consultative meetings as and when the need arises. Ad hoc meetings would foster greater understanding and contribute to bridging any potential gaps on policy questions.

(vi) ***An increased role for the General Assembly***: There is a strong imperative for increasing the role of the General Assembly in the partnership. The General Assembly has already taken key decisions on the partnership, including the establishment of the Ten Year Capacity Building Programme. The role of the General Assembly should be broadened to include the Economic and Social Council (ECOSOC), whose mandate straddles the development and security spheres. The now widely accepted nexus between security and development provides a strong imperative for a more pronounced role for ECOSOC in the partnership. This would help to restore the balance between day-to-day peace and security issues and long-term socio-economic development. Moreover, the General Assembly's oversight function on the UN's financial matters puts it at the heart of discussions relating to financing UNSC authorized AU-led operations.

(vii) ***Address doctrinal gap relating to the deployment of peacekeepers***: The UN and AU need to address the doctrinal gap that is emerging between the two institutions with respect to the deployment of peacekeepers. While the UN appears generally bound by its decades-old practice of not deploying peacekeepers in the absence of peace agreements, the AU is emerging as less risk averse, as demonstrated by its practice of deploying in the absence of a peace agreement. It is convinced that, in certain situations, *peace has to be created before it can be kept;* this is consistent with its policy of *non-indifference*. This is a significant doctrinal gap that should be part of the broader policy discussions because it has practical implications on the questions of division of labor and burden sharing.

(viii) ***Forge closer links on peace building***: More needs to be done to forge closer links between the UN Peace building Commission and the AU's peace building efforts.

OPERATIONAL LEVEL COOPERATION

101. Cooperation at the operational level, between the two headquarters and in the field, would be significantly boosted if the proposed steps to reinforce the existing relationship at the strategic level are implemented. Needless to say, the success of cooperation at the operational level would be determined by the degree of political coherence between the UN, AU and RECs/RMs. To consolidate the relationship at the operational level, I recommend the following:

(i) ***Consolidate support for AU's prevention programs***: The AU is in the process of developing a full range of capacities for conflict prevention, including structural and operational prevention. These programs are encapsulated in the APSA. Priority should be given to strengthening structural prevention, as this would obviate the need for protracted and costly interventions, in human and material terms. Moreover, strengthening the capacities of the AU, RECs/RMs and national institutions is critical given that the first line of prevention rests with them.

(ii) ***Enhance UNSC's responsiveness to requests made by the AU***: While the UNSC has lent critical support to AU and RECs/RMs peace initiatives, more needs to be done to further boost the continent's efforts and interventions. A case in point is the situation in Somalia, where a timely response to the requests made by the PSC, in particular with respect to the control of flow of arms and fighters into the country, by air and sea, would have gone a long way in furthering the peace and reconciliation process.

(iii) ***Comprehensive and multidimensional support for AU-led peace operations***: The two institutions should intensify dialogue on the full implementation of the Prodi Report. While the logistics support from UN-assessed contributions to AMISOM is a significant development, it is, however, important that such support is comprehensive. So far, the support is not comprehensive as it does not cover crucial enablers that are required for the fulfillment of the mission's mandate. For instance, lack of support for lethal weapons is a major shortcoming given AMISOM's robust mandate. Addressing the doctrinal gap discussed above would hopefully help the two sides to move closer to resolving such deficits in future engagements.

(iv) ***Enhance joint planning for PSOs***: Given the likelihood of re-hatting of AU missions or the potential establishment of hybrid operations in the future, it is important for the two Councils to engage in early joint planning when a peace operation is contemplated. It is critical that joint consultation and planning is initiated by the two Councils as that would provide a clear basis for operational

level planning. Early joint planning would pave the way for relatively smooth transitioning if and when such a process is authorized. Lessons and best practice from the UN's support to the AMIS, the hybrid operation (UNAMID) and ongoing support to AMISOM should be applied to future cases. Valuable lessons can also be drawn from earlier re-hatting experiences involving the AU, UN and ECOWAS in Burundi, Liberia and Côte d'Ivoire.

(v) ***Ensure close coordination when co-deployed***: Close coordination and collaboration are essential when the two institutions are co-deployed in the same theatre. For instance, the Sudan Consultative Forum, which brings together the AU, UN and other members of the international community, has been a useful mechanism through which these actors meet to tackle key policy issues and establish consensus on the way forward. Lessons from this particular instance and similar arrangements elsewhere should be captured and, to the extent possible, applied in other theatres.

(vi) ***Forge closer links on security sector reform***: Efforts should be made to develop closer links on Security Sector Reform. The AU and RECs/RMs have identified SSR as a major policy issue. They can use their comparative strength in the political sphere to provide leadership and guidance as part of a broader governance agenda. Their close proximity and familiarity with security and governance dynamics in their member states can be harnessed to promote the adoption of core principles and policies to guide SSR efforts on the continent.

(vii) ***Forge closer links to combat transnational challenges***: The UN and the AU should also strengthen their ties in dealing with transnational challenges such as terrorism, drug and other illicit trafficking and the impact of climate change; this is crucial given the cross border nature of these challenges. The AU has already adopted comprehensive instruments to deal with these challenges as part of its structural prevention programs.

<u>Cooperation on Cross-cutting Issues</u>

102. Establishing a strategic partnership requires issues of financing (burden sharing) and capacity building to be situated in the broader strategic-political context of the relationship. To address challenges on cross-cutting issues, I recommend the following steps:

(i) ***Ensure predictability, sustainability and timely disbursement of pledged resources***: The UN and AU should work towards ensuring the predictability, sustainability and timely disbursement of pledged resources. Implementing the recommendations of the Prodi Report is an important and critical first step in this regard. Lessons from the UN's provision of logistics support to AMISOM from UN-assessed contributions should be used to canvass for the provision of

comprehensive support. Experience from the Trust Fund for Somalia can also be used to demonstrate the shortcomings of such arrangements. In general terms, Trust Funds are not reliable ways of addressing predictability and sustainability, the two central imperatives at the heart of the AU's request for the use of UN-assessed contributions to support its missions. Consequently, the use of UN-assessed contributions should be viewed as part of the division of labour and burden sharing advanced in this report, in conformity with the spirit of Chapter VIII of the UN Charter.

(ii) ***Address the conceptual deficit in capacity building approach***: The two institutions need to address the conceptual deficit on what capacity building is and how it can be developed in an effective and efficient manner. In this respect, I acknowledge the need for the AU would lead the process of defining its capacity building approach, identifying priorities and methods of implementation with in- built benchmarks and evaluation strategies.

(iii) ***Align capacity building support with AU and RECs/RMs priorities***: Efforts should be continue to be made for the UN capacity building support, including the Ten Year Capacity Building Programme, to be properly aligned with the priorities identified and agreed upon by the AU and the RECs/RMs, based on the findings and recommendations of the comprehensive *APSA Assessment* undertaken by the AU in 2010. The Roadmap developed on the basis of this assessment should be used as the reference point by all external actors, including the UN.

X. OBSERVATIONS

103. Over the past few years, and particularly since the submission of the Prodi report, significant progress has been made in the partnership between the AU and the UN. I would like, at this juncture, to most sincerely thank the United Nations Secretary-General for his commitment and sustained efforts to enhance understanding and cooperation between the AU and the UN, as well as the UNSC as it continues to devote sustained attention to the promotion of peace and security on the continent. I also would like to express my appreciation to the Government of South Africa, which has used the opportunity of its memberships of the UN Security Council to further the objective of an enhanced partnership between the AU and the UN, within the context of an innovative and forward-looking reading of Chapter VIII of the UN Charter, in line with the relevant AU decisions.

104. The relationship between the AU Commission and the UN Secretariat has registered significant progress. This is manifested in the ongoing capacity building efforts in a broad range of issues, including mediation and peacekeeping, as well as concrete steps taken to consult with each other, at various levels, and, to the extent possible, to harmonize positions. It is also worth mentioning the upgrading and streamlining of the United Nations presence in

Addis Ababa, through the establishment, since July 2010, of the UN Office to the AU, and the increased coordination on the ground between representatives of the two organizations.

105. I also would like to highlight the partnership between the policy-making organs of the AU and the United Nations. That the PSC and the UNSC have now institutionalized their yearly consultative meeting is a further indication of the shared awareness that the achievement of lasting peace and security in Africa requires that we pull our resources together and harmonize our positions. Importantly, UNAMID stands as testimony of the importance of the AU-UN partnership. The AU is convinced that hybrid peace operations and other innovative approaches to peacekeeping, peacemaking and peace building are the way of the future as the strength of such joint ventures draws from the universal character of the UN and the advantages embedded in regionalism. Even on the more challenging issue of the funding of AU-led peace support operations, progress has been made, though more slowly than Africa expects. The support package rendered to AMIS, before its transformation into a hybrid operation, and now to AMISOM is indicative of a more innovative approach to peacekeeping and the challenges associated to it.

106. However, the significant progress that has been achieved between the two organizations does not detract from the fact that much remains to be done. It is important, as we intensify our efforts to take this partnership forward, that we ensure that it is based on a solid strategic platform that takes into account the comparative strengths of the two organizations, recognizing that the complexity of today's conflicts means that no single organization can effectively address them on their own.

107. We are dealing with an ever-changing international security landscape which has had profound consequences for the African continent. Contemporary conflicts in Africa tend to be overwhelmingly internal in nature, with governance issues at their core and serious regional spill-over effects. The AU and the RECs/RMs, which have demonstrated renewed determination to address the peace and security challenges facing the continent in a comprehensive manner, are well placed to play a critical role in this respect, both from an institutional and normative point of view, and in a manner that would strengthen collective security system.

108. As the Secretary-General rightly pointed out in his October 2010 report, "the complex challenges of today's world require a revitalized and evolving interpretation of Chapter VIII of the United Nations Charter". Such an interpretation should be based on the full recognition of the critical role of regional organizations such as the AU, as well as on the recognition that support by the United Nations to the AU in matters relating to the maintenance of international peace and security is an integral part of collective security as provided for in the UN Charter. Making peace happen in Africa, a continent which, in spite of the significant advances made over the past years, still accounts for the highest proportion of conflicts worldwide, requires no less from the world body and its relevant decision-making organ on peace and security matters. As stressed by the AU during the 22 October debate at the UNSC:

"We need an enhanced and innovative partnership to meet today's challenges and endow ourselves with the required capacity to confront the uncertainties of tomorrow. We need to demonstrate leadership and vision, in order to take the bold steps that the changing international landscape demands. We need to guard ourselves against the deceptive comfort that status quo offers, for it erodes our capacity to explore innovative solutions and better anticipate the future". I am confident that, by working together, the AU and the UN can successfully navigate through the challenges at hand.

109. Nowhere is the need for a paradigm shift more compelling than in the area of peacekeeping. Over the past few years, the AU has demonstrated renewed determination and willingness to deploy peace support operations to: help stabilize fragile environments, where, more often than not, there is no clear-cut distinction between a continuing conflict and a situation where there exists a peace to be kept; provide the much-needed backing to forces of peace, as they battle to keep the upper hand over those bent on pursuing hostilities for narrow and short-term gains; and create conditions for sustainable peace and long-term recovery, including through the deployment of UN operations. Significantly, AU's deployments on the ground are labeled as peace support operations, and not peace-keeping operations. In Burundi and Sudan, yesterday, and in Somalia today, the AU, we believe, has demonstrated the validity of this approach.

110. At the same time, we are faced with serious resource, logistical and capacity constraints, which have hampered the ability of the operations deployed to fully discharge their mandated tasks and achieve their objectives. Yet we have no doubt that the risks inherent to such undertakings were worth taking, not only to seize upon the opportunities that presented themselves for the advancement of peace, but also to fulfill our obligation and responsibility to protect vulnerable populations caught in deadly conflicts. In so doing, the AU, while fulfilling its own mandate and promoting the goals and principles enshrined in its Constitutive Act and other related instruments, is also acting on behalf of the United Nations.

111. Against this background, the importance of finding a lasting solution to the funding of AU-led peace support operations cannot be over-emphasized. Time and again, experience has demonstrated that support using UN assessed contributions is the most viable response to the challenge at hand, especially when the operations concerned, as is the case for AMISOM, are undertaken with the consent of the Security Council. Therefore, I would like to reiterate the AU's call to the Security Council and the United Nations, in general, to approach this issue with the urgency and flexibility required, building on the support packages extended to AMIS and AMISOM and other relevant experiences, in line with its primary responsibility for the maintenance of international peace and security.

112. It is important to see the discussion on the strategic relationship between the AU and the UN in the broader context of the need for reform of the United Nations itself to properly reflect the changing world order. The UN Charter was drafted in an era when virtually all of

Africa, along with large parts of the rest of the world, was still under colonial rule, and as such their views and aspirations were not reflected in the global architecture that was crafted in 1945. Africa, which accounts for over 60 percent of the agenda of the Security Council, is the only continent that is not represented by a permanent member in this body. In this vein, I would like to reiterate the AU's common position on the reform of the UN system, as encapsulated in the Ezulwini Consensus of 2005, which remains valid. While efforts continue to be made to correct this situation, an enhanced and innovative partnership, based on the due recognition of the role of the AU, would give added effectiveness and efficiency to the efforts of the UN, particularly the Security Council, as well as ensure greater ownership by the African countries.

113. That the AU is still an organization in transition is not in doubt; it is in the process of transitioning from its predecessor, the OAU, in conceptual and practical terms. However, despite this reality, its proactive engagement in managing peace and security on the continent has given it a high visibility leading to expectations that are often not matched by its capacity. Hence, the need for renewed efforts to endow the organization with the requisite resources and enhance its decision-making process to enable it fully discharge its mandate in the area of peace and security, and be an effective partner of the UN and other international stakeholders.

114. In this respect, I cannot but emphasize the need to raise more resources from within the continent. The decision taken in August 2009 to double the mandatory transfer from the regular budget to the Peace Fund (from 6 to 12 per cent) is a step in the right direction. But clearly, much more needs to be done. I therefore appeal to Member States to fully shoulder their responsibilities in this respect by availing increased resources in support of the AU peace and security agenda and thereby enhance ownership of African peace initiatives. I also encourage members of the PSC to have the required staff complement in their Permanent Missions in Addis Ababa, including military officers. The capacity of members to participate fully in the activities of the PSC would enhance its partnership with the Security Council. It would ensure that they are adequately prepared to engage with the UNSC on the substantive aspects of the relationship.

115. Concrete steps should also be taken to strengthen the interface between the PSC and African members of the UNSC. This would contribute to coherent positions between these two critical entities. Thus, regular consultations between the chair of the PSC and these members need to be encouraged and supported. For their part, the African members of the UNSC should continue to spare no efforts in furthering African positions in the UNSC.

116. On its part, the Commission will pursue and intensify the efforts initiated for the full operationalization of APSA, on the basis of the Roadmap agreed to by the AU and the RECs/RMs. It will also endeavor, as part of the follow up to the 2010 Year of Peace and Security in Africa and within the *Make Peace Happen Campaign*, to mobilize additional resources through innovative partnerships with the civil society and private sector. Steps will

also be taken to strengthen the AU Permanent Mission to the UN, as part of the broader strategy of consolidating the AU's relationship with the UN. Finally, the Commission will rededicate itself to conflict prevention, in particular structural prevention, making effective use of the relevant APSA components and building on AU's solid normative framework on governance, human rights and democracy.

Annex II to the letter dated 9 January 2012 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council

Communiqué

The Peace and Security Council of the African Union (AU), at its 307th meeting, held on 9 January 2012, considered the partnership between the African Union and the United Nationson peace and security, and adopted the following decision:

Council,

1. **Takes note** of the*Report of the Chairperson of the Commission on the Partnership between the AfricanUnion and the United Nations on Peace and Security: Towards Greater Strategic and Political Coherence*[PSC/PR/2.(CCCVII)]. Council **also takes note** of the statements made by the Commissioner for Peace and Security,the Minister of Foreign Affairs of Kenya,the representatives ofAlgeria, Egypt and Mozambique, as well as by the representatives of the United Nations, the European Union, the United Kingdom and the United States;

2. **Commends** the Chairperson of the Commissionfor his comprehensive and forward-looking Reporton the AU's strategic vision of the cooperation between the African Union and the United Nations on peace and security, issued pursuant to paragraph 31 of decision Assembly/AU/Dec.338 (XVI), adopted by the Assembly of the Union, at its 16th Ordinary Session held in Addis Ababa, on 30 and 31st January 2011;

3. **Notes thatthe** UN Secretary-Generalhas issued,on 29 December 2011,a report on United Nations-African Union cooperation on peace and security (S/2011/805), in which he provides an update on AU-UN cooperative efforts on peace and security and recommendations on ways to further strengthen the cooperation with the AU, buildingon his earlier report of 14 October 2010 (S/2010/514), in which he stressed that "the complex challenges of today's world require a revitalised and evolving interpretation of Chapter VIII of the United Nations Charter". Council **expresses its gratitude** to Secretary-General Ban Ki-moon for his commitment to work closely with the AU and forhis efforts to deepen earlier UN Secretariat initiatives to develop a complementary relationship between the UN and regional arrangements;

4. **Notes with appreciation** the sustained attention that the UN Security Council continues to devote to the promotion of peace and security in Africa, within the framework of its mandate under the UN Charter;

5. **Recalls** its previous communiqués and press statements on the partnership between the AU and the UN on peace and security, including its communiqué PSC/PR/Comm.(CLXXVIII)and press statement PSC/PR/BR.2(CCVII), adopted at its 178th and 206th meetings, held respectively on 13 March 2009 and 15 October 2009, in which it, among others: (i) welcomed the report of the African Union-United Nations Panel (Prodi Panel) established under Security Council resolution 1809 (2008) to consider the modalities for support to African Union peacekeeping operations (A/63/666- S/2008/813), (ii) stressed that regional arrangements, in particular the AU, have an important role to play in the prevention, management and resolution of conflicts, in accordance with Chapter VIII of the UN Charter, and (iii) emphasised that support by the UN to regional organisations in matters relating to the maintenance of international peace and security is an integral part of collective security as provided for in the UN Charter;

6. **Welcomes** the progress made in the partnership between the AU and the UN on matters related to peace and security, within the context of Chapter VIII of the UN Charter and Article 17 of the Protocol relating to the Peace and Security Council;

7. **Reiterates AU's gratitude**to the Government of the Republic of South Africafor having, in line with relevant AU decisions,used the opportunity of its successive membershipsof the UN Security Council to further the objective of an enhanced partnership between the AU and the UN within the context of an innovative and forward-looking reading of Chapter VIII of the UN Charter, and **commends** President Jacob Zuma for his personal commitment to this initiative as demonstrated by his decision to chair the forthcoming meeting of the UN Security Council on this theme, on 12 January 2012;

8. **Notes** the close cooperation that exists between the AU Commission and the UN Secretariat, including the consultations among senior officials, the establishment of the Joint Task Force (JTF), the holding of regular Desk-to-Desk meetings, the increased coordination on the ground between AU and UN representatives and the steps taken towards the implementation of the Ten-Year Capacity Building Programme for the AU,as well as the institutionalisation of the yearly consultative meetings with the UN Security Council and the cooperation being developed with the UN Peace-building Commission (UNPBC);

9. **Emphasises**the need for innovative approaches to peacemaking and peacekeeping, in order tomore effectively address the peace and security challenges facing the continent, such as the establishment of the AU-UN Hybrid Operation in Darfur (UNAMID), the authorization by the Security Council of a UN support package to the AU Mission in Somalia (AMISOM), the launching of joint mediation and other diplomatic efforts. Council **underlines** that these cooperative modalities and other innovative approaches provide a framework for future cooperation between the two organisations;

10. **Recognises** that, whileAfrica has made significant progress in its quest for lasting peace, security and stability, it continues, nonetheless, to be faced with serious challenges. In this regard, Council **emphasises,once again**, the need for renewed efforts by all concerned within the continent and the critical importance of African leadership and ownership,as well as the need for an enhanced support by the rest of the international community, in particular the United Nations, for the promotion of lasting peace and security;

11. **Reiterates** AU's strong conviction on the need for the AU and the UN, building on the progress already achieved and lessons learned, to develop a stronger partnership, based on an innovative strategic and forward-looking reading of Chapter VIII of the UN Charter, in order to more effectively promote peace, security and stability in Africa, particularly in view of Africa's evolving security landscape and the complexity of the challenges at hand, the development by the AU and its Regional Mechanisms for Conflict Prevention, Management and Resolution of a comprehensive normative and institutional framework for dealing with peace and security issues, and their proximity and familiarity with the challenges facing their member States. In this respect, Council, while acknowledging the primary responsibility of the UN Security Council in the maintenance of international peace and security, **stresses** that the following principles would provide the basis for a more effective strategic partnership between the AU and the UN in a manner that would further clarify the relationship between the two institutions:

(i) support for African ownership of peace initiatives on the continent,as well as priority setting,

(ii) flexible and innovative application of the principle of subsidiarity, which is at the heart of Chapter VIII of UN Charter, including consultations priortodecision-making, division of labour and sharing of responsibilities,

(iii) comparative advantage, taking into account the familiarity of AU and its Regional Mechanisms with conflict dynamics and their flexibility in dealing with security challenges, including their ability to rapidly deploy peace support operations to create conditions for the eventual deployment of UN peacekeeping operations, in line with the recommendations of the Prodi Panel Report;

12. **Emphasises** the urgent need for the AU and the UN, both at the level of their relevant decision-making organs and Secretariats, including within the framework of the forthcoming JTFmeeting to be held on the margins of the forthcoming AU Summit, at the end of January 2012, to engage in earnest on a dialogue to elaborate the principles that would underpin their strategic relationship, to better harmonise their approaches and methods for dealing with peace and security issues on the continent;

13. **Reiterates its commitment**, including on the basis of the communiqués of the consultative meetings held between Council and the UN Security Council, to strengthen its cooperation with the latter, including through more structured and substantive yearly meetings, regular consultations before taking decisions on issues of common concern, enhanced interaction between the Chairperson of the AU Peace and Security Council and the President of the UN Security Council,joint field missions to enhance synergy in monitoring, assessment of results and response strategies;

14. **Recognizes** the important role that the UN General Assembly (UNGA) and the Economic and Social Council (ECOSOC) can play in the enhancement of the partnership between the AU and the UN, particularly in view of the oversight functions of the UNGA on financial matters, and ECOSOC, whose mandate straddles the development and security spheres;

15. **Reiterates its commitment** to deepen its cooperation with the UN Peace-building Commission (UNPBC), and **looks forward** to further interaction with the UNPBC, bearing in mind the ongoing efforts by the AU to fully operationalize the AU Policy Frameworkon Post-Conflict Reconstruction and Development (PCRD), including the dispatching of assessment missions to countries emerging from conflicts and the planned launching of an African Solidarity Initiative to generate more significant support from within the continent, in a manner that complements international efforts;

16. **Underlines** the need for the UN Security Council to be more responsive to requests made by the AU regarding specific conflict and crisis situations in Africa;

17. **Encourages** the Commission and the UN Secretariat to pursue and intensifytheir efforts towards greater coordination and collaboration, in particular in dealing with specific conflict and crisis situations, addressing cross-cutting issues, such as security sector reform, demobilisation, disarmament and reinsertion, terrorism and transnational crimes, small arms and light weapons, impact of climate change on peace and security, post-conflict reconstruction and development, structural prevention of conflicts, as well as capacity building, within the framework of the Ten-Year Capacity Building Programme and the Roadmap for the operationalization of the African Peace and Security Architecture (APSA), as adopted by the AU and the Regional Mechanisms following the APSA assessment study conducted from July to October 2010 with the support of the European Union;

18. **Reiterates its call** to the United Nations to address in a systematic manner the issue of the predictability, sustainability and flexibility of the funding of AU peace support operations undertaken with the consent of the Security Council, through the use of UN assessed

contributions, bearing in mind that, in undertaking peace support operations, the AU is contributing to the maintenance of international peace and security, in a manner consistent with the provisions of Chapter VIII of the UN Charter. In this respect, Council stresses, once again, that full endorsement and immediate implementation of the proposals contained in the Prodi Panel report would constitute a decisive first step in this regard;

19. **Reaffirms** the need to mobilise more significant resources from within the continent in support of the AU peace and security agenda. In this respect, Council **reiterates the call** made by the Extraordinary Summit of the Assembly of the Union held in Addis Ababa, on 26 May 2011, for all member States to make voluntary contributions to the AU Peace Fund, and **encourages** the Commission to pursue and intensify the efforts already initiated, within the framework of the *Make Peace Happen Campaign*, to mobilise additional resources through innovative partnerships with the civil society and the private sector, while more comprehensive solutions are being sought for within the framework of the AU Eminent Personalities Panel on Alternative Sources of Funding, under the leadership of former President OlusegunObasanjo, established by decision Assembly/AU/DEC.364 (XVII) adopted by the Assembly of the Union, at its 17th Ordinary Session, held in Malabo, from 30 June to 1st July 2011;

20. ***Encouragesthe*** members of the Peace and Security Council to adequately staff and equip their Permanent Missions to the AU and the UN to enable them to shoulder the responsibilities which go with their membership, including the deepening of the partnership with the United Nations, as indeed provided for by the Protocol relating to the Peace and Security Council in article 5 (2h);

21. **Stresses** the need to strengthen the interface and coordination between the Peace and Security Council and the African members of the Security Council, to maximise the effectiveness and impact of the AU contribution in the UN Security Council. In this respect, Council **requests** the Commission to submit, by May 2012, proposals on ways and means to better coordinate African positions in the Security Council and ensure that they further reinforce the decisions taken by the Peace and Security Council and other relevant organs of the Union ;

22. **Further reiterates** the imperative to fast track the reform of the UN Security Council in order to bring to an end the historical prejudice on Africa with regard to Security Council membership, by ensuring the principle of parity and enable Africa to take its rightful role in this organ and enhance its efforts to address emerging security challenges;

23. **Looksforward** to the steps to be taken by the Commission to enhance the capacity of the AU Permanent Observer Mission to the UN, to enable it to play a more effective role in the AU-UN partnership and **requests** the Commission to submit further proposals to the relevant AU organs regarding the strengthening of the AU Mission to the UN ;

24. **Requests** the Chairperson of the Commission to urgently forward the present communiqué to the UN Security Council and Secretary-General, ahead of Security Council meeting on the AU-UN partnership on peace and security, scheduled to take place in New York, on 12 January 2012, to follow up on all the aspects addressed therein and the recommendations contained in his Report, and to report every six months on progress made and challenges encountered. Council **further requests** the Chairperson of the Commission to brief it on the outcome of the New York meeting and to provide recommendations on the way forward ;

25. **Decides** to remain actively seized of the matter.